THE HON'BLE SRI JUSTICE B. PRAKASH RAO

AND

THE HON'BLE DR. JUSTICE G. YETHIRAJULU

WRIT APPEAL No. 2095 OF 2005

Date: 03.11.2005

Between:

The Superintending Engineer (Operation), A.P.E.P.D.C.L., Rajahmundry & others.

…. Appellants

and

K. Suri Babu

…. Respondent

THE HON'BLE SRI JUSTICE B. PRAKASH RAO

AND

THE HON'BLE DR. JUSTICE G. YETHIRAJULU

WRIT APPEAL No. 2095 OF 2005

JUDGMENT: *(per the Hon'ble Sri Justice B. Prakash Rao)*

Heard the learned counsel on either side and at their request the main writ appeal itself is taken for up disposal, at the stage of admission.

The appellants herein are the respondents against whom W.P.No.17603 of 2005 was filed seeking a direction to consider the representation filed by the respondent-writ petitioner for appropriate posting, having regard to the fact that he is suffering from Cancer.

The learned standing counsel appearing for the appellants points out that the representation filed by the respondent does not contain any reference with regard to the disease being suffered by him, but it was totally on a different ground. He further points out that taking into consideration the circumstances narrated in the said representation, the respondent was given posting through proceedings, dated 02.07.2005. According to him, it is for the first time in the affidavit filed in support of the writ petition, that the reference is being made to the factum of the respondent suffering from the disease Cancer, therefore, the question of considering once again the representation on such ground, which was not borne out by it, does not arise.

The learned counsel for the respondent, on the other hand, submits that though there is no reference in the representation with regard to the disease Cancer, the respondent is entitled to be extended the same benefit and posted at appropriate place, on the same lines as the other employees were extended to.

Having considered the submissions made and also in view of the fact that admittedly there is no reference to the disease Cancer in any of the representations filed by the respondent or even in the representation on which the appellants passed the orders dated 02.07.2005 based on the reasons as

pointed out therein, We deem it appropriate to permit the respondent-petitioner to file a fresh representation, within one week from the date of receipt of a copy of this order, pointing out all the aspects, including the illness with which he is suffering from. On filing such representation, the appellants shall consider the same and pass appropriate orders in accordance with law.

Subject to the above, the writ appeal is disposed of. There shall be no order as to costs.

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(B.PRAKASH RAO.J)

(DR.G.YETHIRAJULU.J)

Dt.03.11.2005

Note:

Issue CC in two days.

(BO)

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